

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

PHILLIP J. SYZEMORE,

1:05-CV-00453-REC-WMW-HC

Petitioner,

vs.

BOARD OF PRISON TERMS,

Respondent.

ORDER OF TRANSFER

Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28 U.S.C. § 2254, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

The petitioner is challenging a parole decision made by the Board of Prison Terms, whose headquarters is located in Sacramento County, which is part of the Sacramento Division of the United States District Court for the Eastern District of California. Therefore, the petition should have been filed in the Sacramento Division.

1 Pursuant to Local Rule 3-120(b), a civil action which has not been commenced in the  
2 proper court may, on the court's own motion, be transferred to the proper court. Therefore, this  
3 action will be transferred to the Sacramento Division. This court will not rule on petitioner's  
4 request to proceed in forma pauperis.

5 Good cause appearing, IT IS HEREBY ORDERED that:

- 6 1. This court has not ruled on petitioner's request to proceed in forma pauperis.
- 7 2. This action is transferred to the United States District Court for the Eastern District of  
8 California sitting in Sacramento; and
- 9 3. All future filings shall refer to the new Sacramento case number assigned and shall be  
10 filed at:

11 United States District Court  
12 Eastern District of California  
13 501 "I" Street, Suite 4-200  
Sacramento, CA 95814

14 IT IS SO ORDERED.

15 **Dated: April 20, 2005**  
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17 /s/ William M. Wunderlich  
18 UNITED STATES MAGISTRATE JUDGE  
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